

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 1999-484-T - ORDER NO. 2000-0440

MAY 19, 2000

IN RE: Application of Kenneth D. Reed & D. Troy) ORDER
Crosby DBA Built To Move, 165) GRANTING
Westminister Blvd., Goose Creek, SC 29445,) CERTIFICATE
for a Class E Certificate of Public)
Convenience and Necessity.)

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of Kenneth D. Reed & D. Troy Crosby DBA Built To Move (Built To Move, the Company, or the Applicant), 165 Westminister Blvd., Goose Creek, SC 29445 for a Class E Certificate of Public Convenience and Necessity to transport commodities as follows:

Household Goods, As Defined in R. 103-210(1):

Between points and places in South Carolina.

The Commission's Executive Director instructed Built To Move to publish a Notice of Filing in a newspaper of general circulation in the service area desired. The Notice of Filing instructed the public as to how to file pleadings to participate in the proceedings on the Application. A Petition to Intervene was filed by Dale J. Cook Moving & Storage Company, Inc.

Prior to the hearing, the Applicant downwardly amended its Application to read as follows:

Household Goods, As Defined in R.103-210(1):

Between Points and Places in Berkeley, Charleston and Dorchester Counties.

A hearing was held on Built To Move's Application on May 11, 2000 at 2:30 PM in the offices of the Commission. The Honorable Philip T. Bradley, Chairman, presided. Built To Move was represented by Keith Bolus, Esquire. The Company presented the testimony of Kenneth D. Reed and D. Troy Crosby. The Intervenor did not appear at the hearing. The Commission Staff was represented by F. David Butler, General Counsel.

Kenneth Reed testified on behalf of the Company. Reed noted that Built To Move possessed a 1991 Ford 15 ft. box truck, with a 13,000 pound g.v.w. and 8,000 pounds actual weight that could be used for moving household goods. Reed noted that the truck was fully insured and had been inspected by the Federal authorities. Reed testified that since the Company did not have its authority, he and his partner had loaded and unloaded trucks 6-8 times for the public, and thus had gained experience in the moving business. Reed noted that the Company has a Class E-LC Certificate of Compliance from the Department of Public Safety. Reed further noted that the Company has applied for Federal authority, and that, prior to learning that household goods authority needed to be granted from this Commission, that they received some 10 calls from members of the public needing full household goods moving service in the Tri-county area of Berkeley, Charleston, and Dorchester Counties.

D. Troy Crosby, the other partner in the business, also testified. Crosby noted that he saw a great need for movers such as Built To Move. He stated that the Company was interested in making apartment moves, primarily.

S.C. Code Ann. Section 58-23-590(C)(Supp. 1999) states that the Commission shall issue a common carrier certificate of public convenience and necessity if the applicant proves to the Commission that: (1) it is fit, willing, and able to properly perform the proposed service and comply with the provisions of this chapter and the Commission's regulations and (2) the proposed service, to the extent to be authorized by the certificate or permit, is required by the present public convenience and necessity. Although Regulation 103-133 requires that the public convenience and necessity portion of the proof be shown by shipper witnesses, we have waived the shipper witness requirement by Orders when an Applicant seeks household goods authority in three or fewer contiguous counties in the State.

Upon consideration of the matter, we find that the Applicant has demonstrated that it is fit, willing, and able to perform the services sought. The testimony of Reed reveals that Built to Move is fit, willing, and able under the standards contained in Regulation 103-133. Further, we find that the testimony of Reed and Crosby indicate that the proposed service is required by the present public convenience and necessity.

Based upon the record before the Commission and the statutory requirements along with the guidelines contained in the Commission's regulations, we find sufficient evidence to grant the application and therefore grant Built To Move a Class E Certificate of Public Convenience and Necessity for the movement of household goods as follows:

Household Goods, As Defined in R. 103-210(1):

Between points and places in Berkeley, Charleston, and Dorchester Counties.

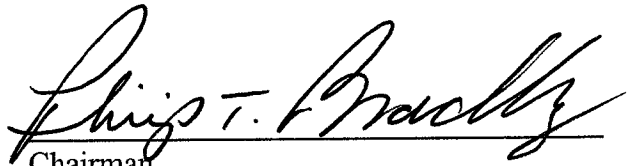
This grant of authority is contingent upon compliance with all Commission regulations as outlined below.

IT IS THEREFORE ORDERED THAT:


1. The application of Kenneth D. Reed and D. Troy Crosby DBA Built To Move for a Class E Certificate of Public Convenience and Necessity be, and hereby is, approved for authority to transport household goods between points and places in Berkeley, Charleston, and Dorchester Counties.
2. That the Applicant file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by R. 103-100 through 103-241 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R. 38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 23A (1976), as amended within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.
3. That upon compliance with S.C. Code Ann. Section 58-23-10, et seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, a certificate shall be issued to the Applicant authorizing the motor carrier service granted herein.
4. That prior to compliance with such requirements and receipt of a certificate, the motor carrier services authorized herein may not be provided.

5. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)